

Docket No.: 2870-0264P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yasuhiro YOSHIOKA et al.

Allowed: October 3, 2008

Application No.: 10/643,221

Confirmation No.: 3448

Filed: August 19, 2003

Art Unit: 1795

For: PHOTOTHERMOGRAPHIC MATERIAL

Examiner: T. Chea

**PETITION TO WITHDRAW APPLICATION FROM
ISSUE PURSUANT TO 37 CFR 1.313 (c) (1-3)**

FAX RECEIVED

JAN 13 2009

MS Post Issue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

01/15/2009 CKHLOK 00000006 022448 10643221
01 FC:1464 130.00 DA

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue. The Issue Fee in this application was timely paid on December 31, 2008.

It is requested that the above-mentioned application be withdrawn from Issue for the following reason:

☐ Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable (37 C.F.R. § 1.313(c)(1));

☒ Consideration of a request for continued examination in compliance with § 1.114 (37 C.F.R. § 1.313(c)(2)) and an Information Disclosure Statement listing references cited in a

Birch, Stewart, Kolasch & Birch, LLP

MSW/GMD/la

Application No.: 10/643,221

Docket No.: 2870-0264P

January 6, 2009 Office Action issued in connection with a related Japanese Patent Application;
or

☐ Express abandonment of the application. Such express abandonment may be in favor of a continuing application (37 C.F.R. § 1.313(c)(3)).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: January 13, 2009

Respectfully submitted,

By  #43575
Marc S. Weiner

Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

FAX TRANSMISSION

DATE: January 13, 2009
CLIENT NO.: 2870-0264P
MESSAGE TO: OFFICE OF PETITIONS
COMPANY: United States Patent and Trademark Office
FAX NUMBER: (571) 273-0025
PHONE:
FROM: Garth M. Dahlen, Ph.D., Esq.
PHONE: (703) 205-8000

FAX RECEIVED
JAN 13 2009

PAGES (Including Cover Sheet): 12 HARD COPY TO FOLLOW: ☐ YES ☒ NO

MESSAGE:

Enclosed herewith is a PETITION TO WITHDRAW APPLICATION FROM ISSUE PURSUANT TO 37 CFR 1.313 (c) (1-3). We respectfully request that this Petition be expeditiously reviewed. Please note that the IDS and copies of the references are being submitted under separate cover by mail to the art unit, since the references are bulky. If there are any questions, please do not hesitate to contact me.

Regards,

Garth M. Dahlen, Ph.D., Esq. (#43,575)
Birch, Stewart, Kolasch & Birch, LLP
P.O. Box 747
Falls Church, Virginia 22040-0747 USA
phone: 703-205-8000 (main), 703-205-8030 (direct)
fax: 703-205-8050
email: mailroom@bskb.com, gmd@bskb.com (direct)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (703) 205-8000 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East, P.O. Box 747, Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000 Facsimile: (703) 205-8050